

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-428
vs.)	
)	DECISION - WAIVED
DUSTIN P. HIGGS,)	
)	
Defendant.)	

On October 3, 2016, the Defendant was sentenced to the Montana State Prison for a period of twenty (20) years, with ten (10) years suspended, for the offense of Sexual Intercourse Without Consent, a felony, in violation of §45-5-503, MCA. The Defendant was not parole eligible until he completed Phase 1 Sex Offender Treatment while in prison. Defendant was designated a Tier II sexual offender based on the psychosexual evaluation and other pertinent documentation. It was ordered that after Defendant completed Phase II Sex Offender Treatment, the Defendant may seek a lower Tier designation. The Defendant was granted credit for time served for the time periods of November 9, 2015 - December 23, 2015 and May 30, 2016 - October 3, 2016. The Defendant was ordered to register as a Sexual Offender. Conditions were set forth in the Judgment.

On February 2, 2017, the Defendant's application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court.

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the application, the Defendant was advised that the Sentence Review Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Sentence Review Division. The Defendant acknowledged that he understood this and stated that he did **not** wish to proceed.

Therefore, it is the unanimous decision of the Sentence Review Division that the application for review of sentence is **WAIVED**.

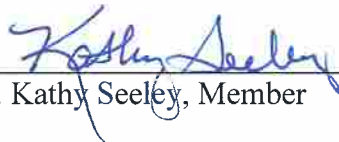
Done in open Court this 2nd day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day
of March, 2017, to:

Clerk of District Court (Original)
Dustin P. Higgs #3007447, Defendant (2)
Hon. Michael Menahan
Peter Ohman, Defense Counsel
Jeffrey Todd Sealey, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division